

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAUN SMITH,

Defendant.

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Case No. 3:11cr161

JUDGE WALTER H. RICE

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DECISION AND ENTRY OVERRULING MOTION TO STAY EXECUTION  
OF SENTENCE PENDING APPEAL (DOC. #29)

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The Defendant seeks an order of the Court staying execution of his twenty four month term of imprisonment, pending resolution of his appeal. Said motion is overruled.

In ruling as aforesaid, this Court concludes that the Defendant, while satisfying prong number one of 18 U.S.C. § 3143(b), has totally failed to meet any of the factors required in prong two of that statute.

While this Court is far from above committing legal error, this Court simply sees no viable grounds for appeal, let alone raising “substantial questions of law and fact regarding the reasonableness of his sentence,” among other issues. The Defendant entered a plea of guilty. His sentence took into account all of the factors of sentencing required to be considered under 18 U.S.C. § 3553(a).

April 10, 2013



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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record